IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON NO.2439 OF 2005

Hindustan Wire Mesh Pvt. Ltd. ..Petitioner.

V/s.

Union of India & Anr. ..Respondents.

Mr.J.M. Patel for petitioner.

Mr.Chetan Kapadia for respondents.

CORAM : V.C. DAGA AND
J.P.DEVADHAR, JJ.

DATED : 28TH SEPTEMBER, 2005.

P.C. :-

1. Rule, returnable forthwith.

2. Mr.Chetan Kapadia waives service for the respondents.

3. Heard finally with the consent of the parties. Perused petition with relevant documents.

4. The impugned order dated 31st August, 2005 passed by the CESTAT is a non speaking order. The order does not convey the reasons in support of the view taken. It is also not in dispute that the impugned order has been passed without hearing the petitioner. Thus the impugned order is clearly in breach of principles of natural justice. Needless to mention that the order must be self explanatory and

should not keep the higher Court guessing for the reasons. Reasons provide vital link between conclusion and evidence. That vital link is a safeguard against arbitrariness and prejudice. It is a tool for judging the validity of the order.

5. It needs no emphasise that whenever the order is to entail civil consequences, then, it is all the more necessary to hear the party and pass the reasoned order. Thus, on both counts the impugned order suffers from breach of principles of natural justice, as such it needs to be set aside.

6. In the result, the impugned order is quashed and set aside. The matter is remanded back to the authority concerned with directions to hear the matter as expeditiously as possible and at any rate within a period of 8 weeks from the date of receipt of order. The petitioner undertakes to communicate this order and further undertakes to appear before the concerned authority.

7. All rival contentions are kept open.

8. Rule is made absolute in terms of this order with no order as to costs.

(V.C. DAGA, J.)

(J.P.DEVADHAR, J.)